

the witness and exhibit lists from the first trial, as well as the Court's own notes regarding the presentation of evidence during that trial (some of which was redundant and/or irrelevant), the Court finds that a **six-hour time limit per party** is reasonable and will allow each party to have a fair chance to present their case to the jury. The Court will exclude from the six-hour limitation any time used to make and resolve objections, unless it appears counsel is unreasonably abusing this exclusion, at which time the Court will provide counsel with a warning. Given the issuance of this Order nearly a month before trial, the Court is confident the parties have sufficient notice and adequate time to craft their case within the time limitations imposed herein.


The Court intends to use the same jury instructions from the previous trial with some organizational modification. The Court will also prepare a more-generalized verdict form to be used for this retrial. The Court will conduct a jury charge conference where it will entertain any proposed revisions or additional instructions that might be appropriate given the presentation of evidence in this retrial.

Should any party wish to renew any of the previously-filed motions in limine, those should be filed no later than September 1, 2021, with any responses thereto filed by September 6, 2021. The parties shall also submit witness lists and exhibit lists on the docket by September 6, 2021.

The Court finds that another pretrial conference in this matter is unnecessary and will instead address any case-specific issues regarding trial at docket call.

IT IS SO ORDERED.

Signed: August 12, 2021


Frank D. Whitney
United States District Judge

